United Nations CRPD/C/TKM/Q/1/Add.1

Convention on the Rights of Persons with Disabilities

Distr.: General
29 January 2015
English
Original: Russian
English, French, Russian and Spanish only

Committee on the Rights of Persons with Disabilities
Thirteenth session
25 March–17 April 2015
Item 9 of the provisional agenda
Consideration of reports submitted by States parties under article 35 of the Convention

List of issues in relation to the initial report of Turkmenistan

Addendum

Replies of Turkmenistan to the list of issues*

[Date received: 16 December 2014]

* The present document is being issued without formal editing.

GE.15-01200 (E) 110315 130315

1501200

Please recycle

Contents

		Paragraphs	*Page*
A.	Purpose and general obligations (arts. 1–4)	1–31	3
B.	Specific rights (arts. 5–30)	32–183	5
	Article 5 – Equality and non-discrimination	32–35	5
	Article 6 – Women with disabilities	36–43	6
	Article 7 – Children with disabilities	44–54	7
	Article 8 – Awareness-raising	55–59	8
	Article 9 – Accessibility	60–83	9
	Article 11 – Situations of risk and humanitarian emergencies	84–87	11
	Article 12 – Equal recognition before the law	88–91	12
	Article 13 – Access to justice	92–94	12
	Article 14 – Liberty and security of person	95–98	13
	Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment	99–110	13
	Article 17 – Protecting the integrity of the person	111–112	14
	Article 19 – Living independently and being included in the community	113–114	15
	Article 21 – Freedom of expression and opinion, and access to information	115–123	15
	Article 23 – Respect for home and the family	124–126	17
	Article 24 – Education	127–137	17
	Article 25 – Health	138–141	19
	Article 27 – Work and employment	142–164	20
	Article 28 – Adequate standard of living and social protection	165–166	22
	Article 29 – Participation in political and public life	167–169	22
	Article 30 – Participation in cultural life, recreation, leisure and sport	170–183	23
C.	Specific obligations (arts. 31–33)	184–204	24
	Article 31 – Statistics	184–195	24
	Article 32 – International cooperation	196–201	25
	Article 33 – National implementation and monitoring	202–204	26

A. Purpose and general obligations (arts. 1–4)

1. The Social Protection Code of Turkmenistan, which was adopted on 19 October 2012 and entered into force on 1 January 2013, sets out the legal, organizational and economic foundations of social protection for the people of Turkmenistan. It establishes the State guarantees for pensions based on the State retirement insurance scheme, and provides State benefits for certain categories of persons and defines social protection measures for veterans and persons with disabilities.

2. Article 1 of the Convention on the Rights of Persons with Disabilities, which defines persons with disabilities, has been taken into account in the Social Protection Code. Under the Code a person with disabilities means a person with long-term physical, mental, intellectual or sensory impairments that limit his or her opportunities for full and effective participation in society (Code, art. 1, para. 3).

3. According to the Rights of the Child Act of 3 May 2014, a child with disabilities is a child with long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder his or her full and effective participation in society on an equal basis with other children (Act, art. 1, para. 6).

4. Pursuant to article 26 of the Social Protection Code, people are declared as being disabled and are assigned to a category of disability by a medical assessment panel, in accordance with a procedure approved by presidential decree.

5. In accordance with article 48 of the Public Health Act of 25 October 2005, medical assessment panels carry out medical and social assessments.

6. The medical assessment panels operate at three levels – central, provincial and municipal.

7. The composition of the panels has been approved by an order of the Ministry of Health and the Medical Industry. At the central level, the panels are composed of 10 medical experts: the chairman of the panel, 2 tuberculosis specialists, 2 psychiatrists, 2 ophthalmologists, 2 trauma specialists and a paediatrician.

8. At the provincial level, the panels are composed of five medical experts: a neurologist, a paediatrician, a surgeon, an ophthalmologist and a psychiatrist.

9. At the municipal level, the panels are composed of three medical experts: a physician, a neurologist and a surgeon.

10. The panels establish the time of onset, cause, category and duration of disabilities, examine children under the age of 16 for symptoms, determine the degree of incapacity for work of the persons being assessed and make recommendations regarding their employment.

11. The panel recommendations are binding upon the administrators of enterprises, institutions and organizations, irrespective of their form of ownership.

12. Medical assessments are carried out in accordance with the relevant regulations, which were approved by the Cabinet of Ministers in 1999.

13. At the request of the persons being assessed (or their legal representatives), an independent expert with the appropriate profile may (with his or her consent) take part in the medical assessment.

14. Disability is divided into categories I, II, and III, and children under the age of 16 may be declared as "children with disabilities" (Social Protection Code, art. 26).

15. Persons who are assessed (or their legal representatives) may, within one month, lodge appeals against the findings of the medical assessment panel with the central medical assessment panel. If the persons concerned (or their legal representatives) do not accept the decision of the central medical assessment panel, they may refer the matter to court, in the manner prescribed by the law (Public Health Act, art. 48, para. 6).

16. Pursuant to article 125 of the Social Protection Code, the rights, freedoms and legitimate interests of persons with disabilities are protected by the State in the manner prescribed by law. People are entitled to contest decisions taken by the competent State body granting or denying them disability status, in accordance with the procedure established by law.

17. With the assistance of the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF), national experts are beginning to familiarize themselves with the International Classification of Functioning, Disability and Health, and how it is being used in other countries.

18. On 3 May 2014, a new version of the Voluntary Associations Act was adopted. In accordance with the Constitution, it is aimed at ensuring that the right of citizens to form voluntary associations is realized. It establishes the legal and organizational framework for the activities of such associations, and also regulates relations in that area.

19. A voluntary association is a voluntary, self-governing, non-profit organization established at the initiative of people who come together on the basis of common interests for the purpose of realizing those interests, as set out in the statute of the association.

20. In accordance with article 4 of the Act, the right to form voluntary associations may be exercised either directly, through an association of physical persons, or through legal persons, namely voluntary associations.

21. In the cases provided for under this Act, in addition to citizens of Turkmenistan, foreign nationals and stateless persons residing in Turkmenistan may also establish such associations.

22. The right to form associations includes the right to form voluntary associations to protect common interests and achieve common goals, the right to join existing voluntary associations and to refrain from joining them, as well as the right to freely withdraw from such associations.

23. People have the right to establish the associations of their choice without prior authorization from State authorities and local government bodies, as well as the right to join such associations, subject to the provisions of their statutes.

24. A decision to refuse to register a voluntary association may be appealed in a court of law (Act, art. 23).

25. Chapter 21 of the Social Protection Code of 19 October 2012 deals with voluntary associations of persons with disabilities.

26. According to article 127 of the Code, voluntary associations of persons with disabilities are set up to implement measures for their social protection, for their social, occupational and medical rehabilitation and for their participation in activities beneficial to the community.

27. The State and local authorities and local government bodies assist and support the work of such voluntary associations of persons with disabilities.

28. Article 128 of the Code provides that the work of these associations should be conducted in accordance with the country's legislation.

29. Voluntary associations of persons with disabilities and their enterprises benefit from advantages under the law.

30. The creation, operation and dissolution of these associations is governed by the country's legislation.

31. Associations that are registered and operational in Turkmenistan include the following:

(a) National Special Olympics Centre of Turkmenistan (25 July 2001);

(b) Society for Persons with Disabilities of Turkmenistan (8 July 1994);

(c) Rehabilitation and Recovery Centre for Persons with Disabilities of Turkmenistan (8 December 1992);

(d) National Paralympic Committee of Turkmenistan (3 July 1997);

(e) Support Centre for Persons with Disabilities (11 October 2004);

(f) Chess Centre for the Blind of Turkmenistan (29 April 2009);

(g) Central Sports and Physical Training Club for Persons with Disabilities of Turkmenistan (30 September 2009);

(h) Deaf and Blind Society of Turkmenistan (8 December 1992);

(i) "Preodolenie" [Overcoming] voluntary association (24 October 2012);

(j) Association of Dwarfs of Turkmenistan (9 November 1993).

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

32. In accordance with articles 124 to 126 of the Social Protection Code, persons with disabilities enjoy all the social, economic, political and individual rights and freedoms enshrined in the Constitution, the Code and other domestic laws and regulations. Discrimination against persons with disabilities is prohibited and punishable by law. The rights, freedoms and legitimate interests of persons with disabilities are protected by the State in the manner prescribed by law. Such persons are entitled to contest a decision taken by a competent State body granting or denying them disability status, in accordance with a legally established procedure. At government level, social protection measures for persons with disabilities are implemented by the Ministry of Labour and Social Protection, the Ministry of Health and the Medical Industry and local administrative and government bodies.

33. The provisions set forth in Turkmen legislation relating to the enjoyment of the rights of persons with disabilities cannot be considered as constituting discrimination on the grounds of disability.

34. In accordance with articles 6 and 8 of the Rights of the Child Act, ensuring the best interests of the child is the priority of the State policy in respect of children. The aims of the State policy are to prevent discrimination against children and restore their rights when they are violated. The State takes the necessary steps to ensure the protection of children against any form of discrimination. Any discrimination on the basis of disability or other circumstances is prohibited. The State guarantees that children with disabilities have the same effective legal protection against discrimination on any grounds that is afforded to other children.

35. The Social Protection Code sets forth the rules governing reasonable accommodations:

(a) Persons with disabilities have the right to work in enterprises, organizations and institutions with normal working conditions, and at special enterprises, workshops and units, and to engage in private business activities not prohibited by domestic law. It is prohibited, on the basis of disability, to deny persons with disabilities employment or promotion, or for management to dismiss them or to transfer them to other work without their consent on grounds of disability, unless their state of health is deemed by a medical assessment panel to render them unfit to perform professional duties or to pose a threat to the health and safety of others;

(b) The necessary working conditions are created for persons with disabilities employed in enterprises, organizations and institutions in accordance with their personalized rehabilitation programmes. Working conditions, working hours, time off work, and the duration of annual and additional leave are specified in collective and individual agreements, in accordance with the national labour legislation (Code, art. 132);

(c) Quotas are set for the number of posts for persons with disabilities at enterprises, organizations and institutions, taking into account the working conditions there. The procedure for setting quotas for posts for persons with disabilities and their recruitment to such posts is approved by the Ministry of Labour and Social Protection. Local administrative bodies assist persons with disabilities engaged in private business activities and self-employed persons with disabilities with the organization of their work (Code, art. 133);

(d) The State ensures that persons with disabilities have every opportunity to acquire an education and undergo vocational training. The education and health authorities must provide children with disabilities with preschool and out-of-school education. They are also required to provide persons with disabilities with access to general secondary education and to assist them in undergoing vocational training in line with their personalized rehabilitation programmes.

Women with disabilities (art. 6)

36. Pursuant to article 4 of the State Guarantees of Women's Equality Act of 14 December 2007, State policies for women are aimed at: legally guaranteeing equal rights for women; preventing discrimination against them; redressing, in accordance with the law, rights which have been violated; and formulating and implementing targeted State programmes promoting equal rights for women.

37. The State ensures that women have the same access as men to social protection and have access to social benefits, such as maternal and child protection measures, and social protection in old age, in the event of illness, disability or loss of the breadwinner, and in other circumstances prescribed by law (Act, art. 15).

38. Turkmenistan is establishing favourable conditions for the implementation of women's rights and freedoms on an equal basis with men. The State is pursuing its efforts to elaborate a strategy and programmes aimed at accelerating the realization of de facto equality for women and girls with disabilities.

39. The Government is taking additional steps to create a favourable environment in which women, including women with disabilities, enjoy equal rights.

40. The strategic objectives for the long-term development of Turkmenistan have been defined and are being successfully pursued through the national programme for the socioeconomic development of Turkmenistan for 2011–2030, the President's national

programme for the socioeconomic development of Turkmenistan for 2012–2016 and the President's national programme to improve social and living conditions in villages, settlements, towns and district centres by 2020. The implementation of these programmes has resulted in the emergence of hundreds of new large-scale industrial, social and infrastructure facilities throughout the country.

41. The main objective of the President's national programme to improve social and living conditions in villages, settlements, towns and district centres by 2020 is to ensure that rural inhabitants have a high quality of life and decent working conditions that are as close as possible to those in urban areas. For example, from 2008 to 2012, the State allocated US$ 4.8 billion for the implementation of new large-scale projects in rural areas. The programme covers 15 areas of social infrastructure and public works. New villages and urban-type settlements are being built at a rapid pace. As a result, comfortable housing, modern schools and medical facilities with contemporary equipment, cultural centres, stadiums and other recreational centres have been provided at district level.

42. The President's national programme to improve social and living conditions is geared towards creating a social infrastructure in villages, settlements and urban-type settlements, regulating their employment and labour market processes and raising their socioeconomic and cultural level to that of municipalities. As such, the programme is one of a number of policy documents affording rural communities opportunities to improve their quality of life by giving everyone extensive access to all the benefits that civilization has to offer.

43. The decision of the People's Council of 25 October 2006 to continue allowing the public to use gas, electricity, drinking water and salt free of charge until 2030 will also be instrumental in attaining these goals. Token charges have been set for public services, use of telephone lines and public transport.

Children with disabilities (art. 7)

44. In accordance with article 27 of the Social Protection Code, the following are considered to be dependents: children (including adopted children and stepchildren), siblings and grandchildren under the age of 18, or over 18 if they became disabled before that age, as well as siblings and grandchildren if their parents are unable to work.

45. The following persons are entitled to the State disability allowance:

(a) Children with disabilities under the age of 16;

(b) Persons with a disability since childhood who have contributed to the mandatory pension insurance scheme for less than five years (Code, art. 65).

46. Local authorities and local government bodies are required to ensure that persons with disabilities have free access to and use of cultural and entertainment centres and sports facilities so that they can take part in physical exercise and sport, and also to provide them with special sports equipment. Persons with category I or II disabilities and children with disabilities under 16 years of age may use these services free of charge, whereas persons with category III disabilities pay half the cost for such services (Code, art. 143).

47. The education and other State authorities ensure that everything is done to provide children with disabilities access to out-of-school activities (Code, art. 137).

48. The education authorities organize tuition for children with disabilities who have undergone a course of treatment in hospitals, health-care facilities or rehabilitation centres (Code, art. 138).

49. Pursuant to article 18, paragraphs 7 and 8, of the Education Act, children with disabilities and persons with category I or category II disabilities are admitted to State higher and intermediate vocational training institutions without having to compete against other applicants, provided that they pass the entrance tests and a medical assessment panel finds no contraindication to their studying at the institution in question. Persons with category III disabilities are accorded priority admission to State higher and intermediate vocational training institutions, provided that they pass the entrance tests.

50. Under article 60 of the Family Code spouses are required to support one another. When one spouse fails to support the other or in the absence of a marriage contract stipulating the conditions for mutual support, the following persons may apply for maintenance: a spouse who is unable to work and is in need of support; a wife during pregnancy with a common child until that child has reached 3 years of age, as well as a former spouse, who is caring for a common child disabled since childhood or a common child with a disability under the age of 16.

51. Former spouses are entitled to maintenance after the dissolution of marriage in the following cases: if the former spouse is caring for a common child disabled since childhood or a child with a disability under the age of 16 (Code, art. 61, para. 1.4).

52. Child support payments are recovered from parents every month. The amount of child support may be reduced by a court if the parent paying the child support has other children, who would be materially disadvantaged in comparison with the children for whom the amount of child support established is being paid, as well as if the parent paying the child support is a person with category I or category II disabilities, or if the children are working and have sufficient income, or for other valid reasons (Code, art. 144).

53. A national programme on early childhood development and preparation for schooling for 2011–2015 has been implemented nationwide since 2011.

54. Under the programme, efforts are being made to ensure the early identification of developmental delays and to counsel parents on the early intervention and care of children with developmental difficulties.

Awareness-raising (art. 8)

55. Turkmenistan accords particular importance to disseminating information on international instruments relating to human rights and freedoms, including the Convention and its Optional Protocol. Working together with the offices of international organizations and foreign embassies accredited to Turkmenistan, the country is moving ahead with long-term humanitarian programmes designed to heighten public awareness of the basic international instruments on human rights and freedoms. The texts of conventions and agreements are widely published in Turkmen and Russian and their substance is regularly explained in the mass media, including by means of special radio and television programmes, newspaper and magazine articles and summaries.

56. On 2 May 2011, the National Institute for Democracy and Human Rights in the Office of the President opened the Human Rights Information Centre, whose purpose is to promote human rights in Turkmenistan by improving knowledge among public officials, academics, postgraduates and young students of international human rights norms and standards, including those pertaining to persons with disabilities.

57. Similar human rights resource centres were opened in 2012 in a number of leading higher education institutes: the State Institute of Energy in Mary, the Seidi Teacher Training Institute in Türkmenabat, the State Institute of Agriculture in Daşoguz and the Balkanabat branch of the State Petroleum and Natural Gas Institute.

58. Public briefings, lectures and meetings on human rights, including the rights of persons with disabilities, are organized in the Human Rights Information Centre. With this in mind, a library has been assembled for the Centre's visitors that incorporates titles published by the Office of the United Nations High Commissioner for Human Rights (OHCHR), international conventions and treaties, national human rights instruments, including those focusing on persons with disabilities, and theoretical literature, teaching and reference materials. Visitors may also use human rights-related Internet resources and everyone, including persons with physical impairments, has full access to the library.

59. With a view to raising awareness of international and national human rights legislation, including that concerning persons with disabilities, seminars are held in the country's provinces and districts in partnership with the offices of international organizations and foreign embassies accredited to Turkmenistan. The seminars are attended by representatives of local administrative and government bodies, the health, education, culture and sports authorities and voluntary associations.

Accessibility (art. 9)

60. The Social Protection Code, which was adopted on 19 October 2012 and entered into force on 1 January 2013, has a specific chapter (Chapter 24) on the procedure governing access for persons with disabilities to social infrastructures.

61. Thus, the State and local authorities and local government bodies, enterprises, organizations and institutions, irrespective of their form of ownership, are obliged to provide persons with disabilities with proper access to residential, public and industrial buildings, facilities and premises, and to facilitate their use of public transport and communications and information systems.

62. In the planning, design and construction of inhabited areas, the lay-out of residential districts, and when plans are drawn up or projects undertaken for the construction or refurbishment of buildings, facilities, social infrastructure, communications and information systems, access for persons with disabilities is always taken into account.

63. Accommodation provided to persons with disabilities or to families who care for such persons must be fitted with special devices, appliances and telephone communications.

64. Individual residential properties inhabited by persons with disabilities are equipped by the enterprises, organizations and institutions through whose fault such persons were rendered disabled or, in other cases, by the appropriate State authorities or government bodies, in cooperation with voluntary associations of persons with disabilities.

65. Local authorities and local government bodies are required to ensure that persons with disabilities enjoy free access to and use of cultural and entertainment centres and sports facilities so that they can take part in physical exercise and sport. They must also ensure that such persons are provided with special sports equipment.

66. Persons with category I or category II disabilities and children with disabilities under 16 years of age may use these services free of charge, whereas persons with category III disabilities pay half price for such services.

67. Enterprises, organizations and institutions, irrespective of their form of ownership, have the right to allocate funds to build, purchase equipment for and maintain social and cultural centres and sports facilities for persons with disabilities.

68. Enterprises and organizations manufacturing prosthetic and orthopaedic appliances or special mobility aids for persons with disabilities and organizations engaged in their

rehabilitation and providing related care and rehabilitation services benefit from advantages in accordance with the procedures established by law.

69. Pursuant to article 106 of the Tax Code of 25 October 2004, value added tax is not payable for the following: the sale of medicinal items, medicines, disinfectants, medical products, medical equipment, prosthetics and orthopaedic products and special mobility devices for persons with disabilities; care services for the sick, persons with disabilities and the elderly; rehabilitation services for persons with disabilities; the sale of goods manufactured in training and manufacturing enterprises operated by the Deaf and Blind Society and other voluntary associations of persons with disabilities; enterprises operated by associations of persons with disabilities.

70. Pursuant to article 143 of the Tax Code, the following are exempt from property tax: enterprises operated by voluntary associations of persons with disabilities; property used exclusively for the purposes of science, education, the rehabilitation of persons with disabilities, the protection of the environment, fire safety and civil defence.

71. Furthermore, pursuant to article 170 of the Tax Code, the following are exempted from income tax: organizations engaged in the rehabilitation of persons with disabilities; enterprises operated by voluntary associations of persons with disabilities; the profits derived from the manufacture of prosthetic and orthopaedic products and special mobility devices for persons with disabilities.

72. Persons disabled during combat, disabled since childhood or with category I or category II disabilities are not liable to income tax (Code, art. 187, para. 5).

73. Advertising for rehabilitation or social activities carried out by associations of persons with disabilities is not taxable (Code, art. 202, para. 1).

74. Organizations engaged in the rehabilitation of persons with disabilities and enterprises operated by voluntary associations of persons with disabilities do not pay targeted taxes for the development of areas in cities, towns and villages (Code, art. 207, para. 2).

75. In accordance with article 39 of the Air Code of 10 January 2012, when providing training and refresher courses for passenger service staff, airport authorities, aircraft operators and other legal persons are required to provide specific training on how to coordinate basic first aid for passengers in need, as well as the necessary assistance and services for passengers with disabilities.

76. Airport design and construction must include the necessary equipment for persons with disabilities so as to ensure that they have access to public spaces, transport and communications, based on their specific needs. Airports should be equipped to allow passengers with disabilities to board and disembark from aircraft without undermining their sense of personal dignity (Code, art. 44).

77. Pursuant to article 49 of the Code, when organizing transport from airports to populated areas, local authorities are obliged to make provision for vehicles equipped to accommodate persons with disabilities and for specially designated areas for them.

78. Preflight inspections of passengers, their hand baggage and baggage, including the mobility devices and appliances of passengers with disabilities, should be carried out in a manner that does not undermine the dignity of the passengers (Code, art. 72).

79. The carriers, and any other physical or legal persons authorized by them must organize the service for aircraft passengers and provide them with accurate and timely information on aircraft movements and services, including in forms accessible to passengers with disabilities.

80. Passengers have the right to:

(a) Travel at preferential rates, as prescribed by law;

(b) Carry baggage and hand baggage within the standard allowance free of charge;

(c) Carry children free of charge or at reduced rates (depending on their age);

(d) Use, free of charge, the services provided by carriers in lounges, baby-care rooms and facilities for persons with disabilities, as well as hotel accommodation when air travel is interrupted due to the fault of the carriers or an unavoidable delay of the aircraft.

81. Passengers with disabilities have the right to:

(a) Purchase tickets without queuing at carriers' agencies and airports;

(b) Priority service at airports and on board the aircraft;

(c) Unimpeded use of specially designated areas and personal mobility devices at airports;

(d) Free carriage of personal mobility devices or other necessary assistive devices;

(e) Lounges, baby-care rooms, facilities for persons with disabilities, provided by carriers at airports that are accessible and have understandable signage;

(f) The list of services and privileges and the procedure for their provision, as set forth in the domestic and international traffic regulations (Code, art. 96).

82. The carriers should take all the necessary steps to stow safely personal mobility devices or other necessary assistive devices accepted for carriage from passengers with disabilities, and, in the event of the loss or breakage of these devices, ensure the mobility of the passengers (Code, art. 119, para. 4).

83. In accordance with article 47 of the Code of Administrative Offences of 29 August 2013, restrictions on the right to operate vehicles may not apply to persons who use such vehicles in connection with a disability, except in cases where they are using the vehicle in a state of intoxication.

Situations of risk and humanitarian emergencies (art. 11)

84. Pursuant to article 4 of the State of Emergency Act of 22 June 2013, a state of emergency throughout or in specific areas of Turkmenistan may be declared by a decree of the President of Turkmenistan. The presidential decree introducing the state of emergency is subject to immediate and official publication and promulgation through the mass media.

85. Persons who have suffered as a result of the circumstances leading up to the introduction of a state of emergency, or on account of the measures applied to deal with such circumstances or their harmful effects, are provided with the necessary medical assistance, accommodation, compensation for any material damage, assistance in finding employment and any other assistance, under the conditions and procedure laid down by the Cabinet of Ministers. The families of the victims and persons disabled as a result of the aforementioned circumstances receive the benefits prescribed by law (Act, art. 20).

86. According to article 139 of the Social Protection Code of 19 October 2012, the State recognizes sign language as a means of interpersonal communication.

87. As part of the "Central Asia without shocks", project as of 2015, the Red Crescent Society of Turkmenistan plans to run training sessions for persons with special needs on

what to do in situations of emergency and natural disasters. It is expected that, each year, between 500 and 1,000 persons with special needs will be involved in the training nationwide.

Equal recognition before the law (art. 12)

88. Pursuant to article 130 of the Family Code, guardianship is established for children aged 7 to 18, as well as for persons declared by a court as having no legal capacity. Guardianship may also be established for adults with legal capacity who, for health reasons, are unable to assert their rights and perform their duties independently, but only at their request.

89. Guardians may be appointed for adults with legal capacity who, for health reasons, are unable to assert their rights and perform their duties independently, but only with their consent. The following may not be appointed as tutors or guardians: former adoptive parents if the adoption was annulled because they failed to perform their duties properly and tutors or guardians suspended from their duties for improper performance of their assigned duties (art. 132, paras. 2 and 3).

90. The work of guardians and tutors is overseen by the tutorship and guardianship agencies at the place of residence of the person placed under tutorship or guardianship.

91. The procedure for overseeing the activities of guardians and tutors is laid down in the Regulations on tutorship and guardianship agencies. Decisions of the guardianship and tutorship agencies that violate citizens' constitutional rights and freedoms may be appealed against in a court of law (Code, art. 141).

Access to justice (art. 13)

92. In accordance with article 28 of the Code of Criminal Procedure of 17 April 2009, legal proceedings in Turkmenistan are conducted in the official language of the State. Parties to proceedings who do not have a good command of that language have the right to make statements, give testimony and evidence, make applications, file complaints, acquaint themselves with the case file and express themselves during hearings in their native language or another language in which they are proficient and to use the services of an interpreter, as provided for in the Code. In accordance with the procedure established under the Code, documents relating to investigations and court documents must be provided to accused persons or defendants in their native language or another language which they understand.

93. Under article 99 of the Code of Criminal Procedure, an interpreter is a person with no vested interest in a case, who masters the language necessary to provide interpretation and who is invited to participate in investigative or court proceedings or to translate written documents when the suspect, accused person, defendant or his or her lawyer, the victim, civil claimant, civil respondent or his or her representative, or any witnesses or other participants in the proceedings, do not know the language in which the proceedings are being conducted, or who is called on by the agency conducting the initial inquiry, the investigator or the court in the cases provided for in article 28 of the Code. In accordance with the Code, a person who understands sign language and can communicate with a mute or deaf person and who is invited to participate in proceedings is also considered an interpreter. The decision regarding the participation of a person as an interpreter is issued by the body conducting the criminal proceedings.

94. According to article 252 of the Code of Criminal Procedure, a witness, victim, suspect or accused person who is mute or deaf must be interviewed in the presence of somebody who understands sign language and is able to communicate with him or her. This person's participation is reflected in the record of the interview.

Liberty and security of the person (art. 14)

95. In accordance with article 16 of the Psychiatric Care Act of 1 October 1993, the State guarantees emergency psychiatric care; consultations, diagnosis, treatment, preventive and rehabilitative care, at both inpatient and outpatient facilities; all forms of expert psychiatric evaluation and diagnosis of temporary incapacity to work; social assistance and help finding work for persons with mental disorders; help resolving guardianship issues; consultations on legal issues and other kinds of legal assistance in psychiatric and neuropsychological institutions; provision of social and personal care for persons with disabilities and older persons who have mental disorders; instruction for persons with disabilities and children who have mental disorders; and psychiatric care during natural disasters and catastrophes.

96. In order to provide persons who have mental disorders with psychiatric care and social protection, the State does the following: establishes all kinds of institutions, offering both inpatient and outpatient care, where possible in patients' places of residence; organizes general education and vocational training for children with mental disorders; sets up occupational therapy enterprises that provide work therapy, develop new job skills and offer employment for persons who have mental disorders, including persons with disabilities, as well as special sheltered factories, workshops or units for such persons; establishes mandatory job quotas in enterprises, institutions and organizations to facilitate the employment of persons who have mental disorders, as provided for by law; provides hostels for persons with mental disorders who have lost their social ties; and takes other measures necessary for the social support of persons who have mental disorders.

97. Article 13 of the Act stipulates that persons suffering from mental disorders who have committed acts endangering the community may be given compulsory medical treatment by order of a court, on the grounds and under the procedure established by law.

98. Persons exempt from criminal liability or punishment in connection with mental disorders and committed to a residential psychiatric treatment facility under a court order prescribing compulsory medical measures are deemed unable to work and are entitled to State social security benefit or to a standard pension while at the facility. For the duration of their stay, such persons enjoy all the rights set out in article 36 of the Act.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

99. In accordance with the Public Health Act of 25 October 2005, as amended by the Acts of 18 April 2009 and 29 August 2013, procedures have been established for the use of new preventive, diagnostic and treatment methods, medications, immunobiological drugs and disinfectants, and for the conduct of biomedical research. According to article 42 of the Act, preventive, diagnostic and treatment methods, medical technology, medications, immunobiological drugs and disinfectants may be employed in health-care practice only if they have been authorized for use under the procedure established by law.

100. Diagnostic and treatment methods and medications that have not been not authorized for use, but are in the process of consideration under the established procedure, may be used to treat a patient only once his or her voluntary written consent has been obtained or,

in the case of persons under the age of 16, only in the event of a direct threat to the patient's life and with the written consent of his or her parents or legal representatives.

101. The procedures for using the diagnostic and treatment methods, medications, immunobiological drugs and disinfectants referred to in paragraph 2 of the article, including abroad, are determined by the Ministry of Health and the Medical Industry.

102. The conduct of biomedical research on a human being is permitted in State medical establishments only once laboratory experiments have been carried out and the written consent of the subject obtained.

103. When written consent to biomedical research is sought, information must be presented to the person concerned regarding the aims, methods, side effects, possible risks, duration and expected results of the research. The person is entitled to refuse to take part in the research at any stage. Forcing individuals to participate in biomedical research is not permitted.

104. The promotion, including in the media, of preventive and treatment methods and medications that have not undergone testing in accordance with the procedure established by law is prohibited.

105. Under article 511 of the Criminal Code of 10 May 2010, the obligation to live in a specific area may not be imposed on persons who are under the age of 18 when they commit an offence or on persons with disabilities in categories I and II, persons of retirement age, pregnant women or women with children up to 8 years of age.

106. Under article 114 of the Criminal Code, the ill-treatment of persons in a position of dependence or a helpless state due to illness, disability or advanced age is punishable by unpaid labour for up to 1 year or deprivation of liberty for up to 2 years. If the same act results, through negligence, in a person's death or has other serious consequences, it is punishable by deprivation of liberty for up to 4 years.

107. Article 1821 was added to the Criminal Code pursuant to the Act of 4 August 2012 on the introduction of additions to the Criminal Code. The article defines and criminalizes torture.

108. Under the above-mentioned article, torture, that is, the intentional infliction of severe pain or physical or mental suffering on a person for such purposes as obtaining from him or her, or a third person, information or a confession, punishing him or her for an act he or she, or a third person, has committed or is suspected of having committed, or intimidating or coercing him or her, or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by, or with the consent or acquiescence of, a public official or other person acting in an official capacity, is punishable by deprivation of liberty for a period of 3 to 8 years with forfeiture of the right to occupy certain offices or engage in certain activities for up to 3 years.

109. If the acts specified in paragraph 1 of this article are committed against women, minors or persons with manifest signs of disability [sic].

110. The following types of property and articles that are privately owned, or a part of which is owned in common, that are necessary to the convicted person or persons dependent on him or her are not subject to confiscation: special mobility aids for persons with disabilities.

Protecting the integrity of the person (art. 17)

111. In accordance with article 16 of the Public Health Act of 25 October 2005, as amended by the Acts of 18 April 2009 and 29 August 2013, the right of pregnant women

and mothers to health care is secured through the organization and conduct of preventive measures, the introduction in medical practice of modern scientific advances aimed at the prevention and treatment of gynaecological illnesses and prenatal, childbirth and postnatal complications, the detection of anaemia, the promotion of a healthy lifestyle among women, and studies on contraception by effective and harmless means and methods and on preventing abortion.

112. Under article 33 of the Act, medical sterilization as a special intervention for the purpose of preventing a person from being able to produce offspring or as a contraceptive method may be performed solely at the written request of a person not younger than 35 years of age or with no fewer than three children, or on medical grounds and with the consent of the person concerned irrespective of age or number of children. The list of medical grounds for medical sterilization is determined by the Ministry of Health and the Medical Industry. Medical sterilization is performed in State medical establishments licensed to perform this kind of activity. Medical sterilization performed illegally is punishable by law.

Living independently and being included in the community (art. 19)

113. Article 105 of the Family Code of 10 January 2012 states that children without parental care may be placed in the care of close relatives, with a family for adoption, under tutorship or guardianship or, where this is not possible, in institutions for orphans or children without parental care, social welfare institutions or other similar facilities. When arranging a placement for such a child, the tutorship or guardianship agencies are obliged to assess the living and financial conditions of the person or persons who are seeking responsibility for the care of the child, the adherence of the person or persons to moral principles, and other conditions. The agencies must then present to the court an assessment certificate, which may be taken into account if it is in the best interests of the child to do so. Consideration must also be given to the child's ethnic origin, religious and cultural affiliations and mother tongue, and to the possibility of ensuring continuity of upbringing and education. Until a child without parental care is placed in a family or in one of the institutions specified in paragraph 1 of the above-mentioned article, the discharge of the duties of tutor or guardian is transferred temporarily to the tutorship or guardianship agencies.

114. Under the regulations on family-style children's homes, adopted by Presidential Decision No. 1961 of 3 October 1994, a family-style children's home constitutes a new form of State and community care for orphans and children without parental care, which is intended to create living conditions for a child that approximate as closely as possible those in a family home and to reproduce the healthy moral and psychological atmosphere of a family. The aim of family-style children's homes is to further improve State assistance to orphans and children without parental care and to provide them with a more varied mix of community and collective forms of upbringing.

Freedom of expression and opinion, and access to information (art. 21)

115. The Information and Protection of Information Act was adopted on 3 May 2014. Under the Act, physical and legal persons are entitled to seek and receive any information in any form and from any source, provided they comply with the requirements established by the Act and other legal enactments of Turkmenistan.

116. Physical persons have the right to receive information directly relating to their rights and freedoms from State bodies and from local authorities and local government bodies and the officials of such bodies, according to a procedure established by law.

117. Legal persons have the right to receive information directly relating to their rights and duties from State bodies and from local authorities and local government bodies, as well as information required for them to carry out their activities in relation with such bodies, in accordance with their rules (or statutes).

118. Access to the following may not be restricted:

(a) National laws relating to the rights, freedoms and duties of persons and citizens or establishing the legal situation of organizations and the powers of State bodies and of local administrative and government bodies;

(b) Information on the environmental situation;

(c) Information on the activities of State bodies, local authorities and local government bodies, and on the use of State budget funds (with the exception of information constituting State secrets or information that is protected by law and whose distribution is restricted);

(d) Information in open collections of libraries, museums and archives and in State or other information systems created or intended to provide physical and legal persons with access to such information;

(e) Other information for which a restriction of access is prohibited under the national legislation.

119. Under Turkmen law, State bodies, local authorities and local government bodies are obliged to provide access to information on their activities, including information placed on telecommunications networks and the Internet. Persons wishing to access such information are under no obligation to justify the need to receive it.

120. Decisions and actions (or failure to act) of State bodies, local authorities and local government bodies, voluntary associations or officials entailing a violation of the right to access information may be the subject of a complaint to a higher authority or official or to a court.

121. In the event that losses are incurred owing to a refusal to provide information, the untimely provision of information or the intentional provision of misinformation or information not corresponding to a request, such losses are subject to compensation, in accordance with the national legislation.

122. The following information is provided free of charge:

(a) Information on the activities of State bodies, local authorities and local government bodies that such bodies post on telecommunications networks;

(b) Information relating to the rights and duties of the person concerned, as established by the national legislation;

(c) Other information, as provided for by law.

123. Payment may be required for information on the activities of State bodies, local authorities and local government bodies only in the circumstances and conditions for which provision is made in the national legislation (Act, art. 7).

Respect for home and the family (art. 23)

124. Article 14 of the Family Code of 10 January 2012 provides that men and women of marriage age have the right, regardless of race, ethnicity or religious faith, to enter into marriage. They have identical rights when the marriage is concluded, during the marriage and when it is dissolved.

125. Article 15 of the Code states that the civil registry office is the body that registers marriages. The age of marriage is set at 18 years. In exceptional circumstances, when there are valid reasons, guardianship and tutorship agencies, at the request of the persons seeking to conclude a marriage, may lower the age of marriage, but by no more than one year, in which case from the day of marriage, the person in question is emancipated with full legal capacity. The emancipation remains valid even in the event of dissolution of the marriage.

126. Article 107 of the Code sets out that adoption is permitted when the conditions for the normal development, raising and education of the child exist in the family of the adopting person. Persons of legal age may adopt, except for persons who for health reasons are unable to assume parental rights. A list of disorders which disqualify people from adopting children or acting as their tutors or guardians has been drawn up by the Cabinet of Ministers.

Education (art. 24)

127. Inclusive education is one of the integral elements of the reform and development of national education. The equal right of children with special needs to receive a quality education at all levels is enshrined in the country's legislation.

128. Under the Education Act, the State must provide persons with special health needs, namely, with physical and/or mental impairments, with the conditions for them to obtain an education at regular schools (i.e., inclusive education). For children who, for health reasons, are unable to attend regular schools, special schools have been established so that they can obtain an education based on special education methods, receive treatment for developmental defects and find their place in society (art. 4).

129. Article 18 of the Act provides that the State must ensure access to preschool institutions and regular schools for all children living in its territory who have such a right, in accordance with their established age. The following categories of children may register at State vocational training institutions without competing against other applicants, provided they have passed the entrance tests:

(a) Orphans and children without parental care (or without the care of persons acting in loco parentis);

(b) Children with disabilities and persons with category I or II disabilities for whom a medical assessment panel has found no contraindication to studying at the schools in question.

130. State vocational training institutions give priority to the admission of the following students, provided they have passed the entrance tests:

(a) Students who have won State academic Olympiads and members of the national team who have competed in international academic Olympiads in subjects covered by the regular school programme during their year of admission;

(b) National sports champions and winners of international sports competitions entering a school for training or specialization in physical education and sports;

(c) Winners of national and international creative competitions entering a school for training or specialization in a creative field;

(d) Persons with category III disabilities.

131. In accordance with Article 36 of the Rights of the Child Act, the State must establish conditions so that children with disabilities have access to education at regular schools (i.e., inclusive education).

132. At the request of the parents, and taking into account the recommendations of medical professionals, children living with disabilities may be taught either at schools or at home. Educational facilities with rehabilitation centres have been built and brought into service in Ashgabat and all the provinces for preschool and school-age children, and are furnished with up-to-date medical and educational equipment. After rehabilitation, the children are able to continue their schooling at regular schools and preschool establishments.

133. As part of the Child Friendly Schools initiative, working groups have been set up at all levels, and a project for a Child Friendly Schools certification package has been developed, with an accent on inclusive education. The package makes use of basic criteria such as the effectiveness of the teaching process and the active and joint participation of teachers, parents and society on the whole in the life of the students, who must in all cases be the centre of attention. The Child Friendly Schools certification package is a package of standard-setting documents to ensure a high-quality educational environment. The project has been validated at all levels. A series of seminars has been held at the various levels, with broad local participation. There are now some 80 schools in the country that have received international recognition as being child-friendly, and the certification process is continuing.

134. In order to develop inclusiveness and move ahead with such efforts, a number of mechanisms (specifically, working groups) have been set up in each province and district. At all levels, the working groups include not only representatives of the education sector but also specialists working on questions related to disabilities and special needs, as well as representatives of the State, voluntary associations, local authorities and, most importantly, children and their parents. This makes it possible to have an integrated approach, with the participation of all parties involved in the process.

135. With advisory assistance from an international expert from UNICEF, Turkmen specialists have drawn up a road map for organizing inclusive education in Turkmenistan. The road map was presented at the International Conference on Inclusive Education, held on 12 and 13 November 2014 in Ashgabat.

136. Significant steps have been taken to expand and improve comprehensive early childhood care and to ensure early childhood development, including for children with special needs, thanks to the implementation of the national programme on early childhood development and preparing children for school, which covers the period from 2011 to 2015. For example, the Government, working with UNICEF, has set up early childhood development centres, which ensure the development of children, including those with special needs, prepare them for school and provide methodical and practical assistance in this field for families and parents.

137. There are medical and educational assessment commissions at all the main education administrations of the provinces and the city of Ashgabat. The commissions meet once a month. When they issue recommendations or decisions about the advisability of a child's attendance at a given school, they take into account the opinions of the parents (or persons with parental authority) and pedagogical committees, and they respect the views of the children themselves. In the event of a disagreement with a decision taken by a commission,

the parents (or persons with parental authority) are able to file a complaint with the central education administrations, which have the right to reappoint the members of the commissions.

Health (art. 25)

138. Experts from the medical assessment panels conduct work with medical staff to increase their awareness of the panels' work in determining a person's suitability for work.

139. The national health programmes and strategies that have been adopted [1] and implemented are aimed at the early detection of disorders and the treatment and rehabilitation of patients, with a view to reducing disabilities in the population.

140. Newly built medical facilities in towns and rural areas meet accessibility standards for persons with special needs (they are equipped with ramps, lifts, widened access ways, accessible toilets, etc.).

141. The State and national health programmes include the following:

(a) State programme on the development of health in Turkmenistan for 2012–2016;

(b) State programme on the development of the medical industry in Turkmenistan for 2011–2015;

(c) National programme for the development of therapeutic and health resort services;

(d) National strategy for the introduction of the Ashgabat Declaration on the Prevention and Control of Non-communicable Diseases in the Context of Health for 2014–2020;

(e) Programme for immunization and disease prevention up to 2020;

(f) National programme for healthy nutrition for 2013–2017;

(g) National programme on early childhood development and preparing children for school for 2011–2015;

(h) National programme to combat HIV infection for 2012–2016;

(i) National reproductive health strategy for 2011–2015;

(j) National programme to improve perinatal care for 2014–2018;

(k) Strategy to combat malignant breast tumours and cervical cancer;

(l) National strategy to prevent and combat tuberculosis for 2008–2015;

(m) National programme for the protection and support of breast-feeding;

(n) Programme for primary resuscitation and care of newborns;

(o) Programme for integrated management of childhood illness;

(p) Programme for preventing and combating anaemia, providing for the mandatory iodization of salt and enrichment of flour with iron and folic acid;

(q) Programme of criteria for the registration of live births and stillbirths in accordance with the recommendations of the World Health Organization;

[1] State and national health programmes.

(r) National plan of action to combat tobacco use for 2012–2016.

Work and employment (art. 27)

142. As defined by Turkmen law, disability is a persistent, lasting or permanent loss of the ability to work, arising as a result of physical or mental disorders or serious chronic illnesses or injuries and leading to a significant dysfunction. Disabilities are grouped into three categories, with a further category for children living with disabilities.

143. The category of disability is determined on the basis of the findings of a medical assessment panel of the Ministry of Health and the Medical Industry. It is dependent on the level of limitation experienced by the persons in question owing to the physical or mental disorders or serious chronic illnesses or injuries. The level of loss of capacity to work established by the panel thus determines the subsequent assignment of the person to a given disability category.

144. People are assigned to category I if they have a dysfunction so serious that they are unable to care for themselves and require constant assistance, care or supervision. Persons with this type of disability do not require occasional, one-off care or supervision as a result of a temporary deterioration of their health (an acute illness or an aggravation of a chronic one); they require day-to-day, systematic care, assistance or supervision.

145. A category I disability is assigned to persons who have had a full and permanent or long-term loss of the ability to work and who require permanent physical assistance or care, and also to persons who, despite a persistent and acutely manifested dysfunction and the need for permanent physical assistance or care, may be capable of certain types of work in special conditions specifically arranged for them (special workshops, work at home or work with tailor-made facilities, etc.).

146. People are assigned to category II when they have a significantly manifested dysfunction which nonetheless does not necessitate permanent physical assistance or care, but which involves either a full and permanent or lasting inability to work or a condition in which various kinds of work are available only in specially arranged circumstances.

147. People are assigned to category III when there is a significant reduction in the ability to work as a result of a dysfunction caused by a chronic illness or an anatomical impairment. In such circumstances, when workers are not in a position to continue work in their occupations or areas of specialization owing to difficulties in performing their work, they are transferred for health reasons to work in other, less qualified occupations.

148. In accordance with the Employment Act and Presidential Decision No. 11649 of 27 May 2011 on the improvement of the employment system, in December 2011, the Ministry of Labour and Social Protection, in agreement with the Ministry of Education and the Ministry of Finance, adopted Regulations on the procedures for organizing and funding training, further training and skill enhancement activities for people working in their areas of specialization, to be conducted by the Ministry's labour and employment services in the provinces and in the city of Ashgabat.

149. Under these Regulations, the vocational training of jobseekers is carried out by the labour and employment services when appropriate work cannot be found for them owing to their lack of vocational training or required qualifications, or because there is a need to change occupations due to a lack of work corresponding to their occupational skills or a loss of their ability to perform work in their previous occupations.

150. When vocational training is organized for jobseekers, trades and areas of specialization that are in high demand may be proposed, taking into account the education, occupational experience and health status of the persons in question.

151. The State funds vocational training for persons with disabilities whose health status is not considered by a medical assessment to constitute a barrier to the performance of work or a threat to their own health or that of others.

152. The Social Protection Code also regulates the procedures for the vocational training of persons with disabilities. The education and health authorities thus provide assistance for the vocational training of persons with disabilities in accordance with their personalized rehabilitation programmes.

153. Persons with disabilities receive general secondary and initial, intermediate and advanced vocational education at regular schools and, when necessary, at special education schools, in accordance with the procedures set out in the Education Act.

154. Persons with category I or II disabilities for whom study at initial, intermediate and advanced vocational schools is not contraindicated by a medical assessment panel of the Ministry of Health and the Medical Industry take part in such studies without competing against other applicants.

155. Persons with category III disabilities are given priority, other circumstances being equal, for enrolment at initial, intermediate and advanced vocational training institutions.

156. During their studies, persons with disabilities at intermediate and advanced vocational training institutions continue to receive full benefits and stipends.

157. Upon completion of studies, the disabled persons are sent to work in their area of specialization, in accordance with their personalized rehabilitation programmes, taking into account the conditions of employment.

158. In accordance with the Employment Act and the Social Protection Code, and taking into consideration the conditions of employment, quotas of posts are set at companies for persons with disabilities, including some posts that are set up specifically for workers with disabilities.

159. The quota is the minimum number of posts, expressed as a percentage of the average number of employees at an enterprise, for which the employer is obliged to hire persons with disabilities. The employer has the right to hire persons with disabilities in excess of the established quota, provided occupational safety and health requirements are met, taking into consideration the risk of harm to the health of the workers.

160. There are special posts for workers with disabilities; these are posts that require additional measures for the organization of work, including the adaptation of basic or supplementary facilities, additional equipment or the provision of technical devices to accommodate the individual capabilities of the worker. The necessary conditions are thus established to allow such persons to work, in accordance with their personalized rehabilitation programmes.

161. These requirements in no way bring about segregation or stigma. The distinctions made in the world of work are based on the special concern of the State for persons with disabilities, who require greater social and legal protection. They have been established by law and are not a form of discrimination.

162. Persons with disabilities have the right to work both at enterprises with ordinary working conditions and at specialized enterprises, workshops and units; they also have the right to engage in any entrepreneurial activity not prohibited by law.

163. Article 27 of the Youth Policy Act of 29 August 2013 provides that assistance should be given to support the economic independence of young persons and the realization of their rights and duties in the field of work. Specifically, incentives are to be drawn up to encourage employers to establish posts for young people, and first and foremost for persons

who have a special need for social protection and who encounter problems in finding jobs (children with disabilities, orphans and children without parental protection) and for young people, including former servicemen from the Armed Forces of Turkmenistan and youths living in rural areas.

164. Pursuant to article 265 of the Labour Code, persons with disabilities have all the social and economic, political and personal rights and freedoms that are established by the Constitution, the labour legislation and other laws and enactments.

Adequate standard of living and social protection (art. 28)

165. Turkmenistan is developing apace, and concern for the well-being and health of the people and the defence of the interests of each citizen are now priorities of government policy.

166. State and national programmes have been adopted and are being implemented for the country's further social and economic development and to improve the people's welfare and quality of life, as follows:

(a) National plan for the socioeconomic development of Turkmenistan for 2011–2030;

(b) National strategy for the economic, political and cultural development of Turkmenistan by 2020;

(c) President's national programme to improve social and living conditions in villages, communities, towns and district centres by 2020;

(d) National programme for the development of physical education, sports and the training of athletes in Turkmenistan for 2012–2016;

(e) General programme for the provision of clean water to populated areas of Turkmenistan by 2020;

(f) National strategy of Turkmenistan on climate change.

Participation in political and public life (art. 29)

167. In accordance with article 3 of the Electoral Code of 4 May 2013 elections and referendums should be open to all. Citizens of Turkmenistan aged 18 or older have the right to vote and to take part in referendums. Any direct or indirect limitation of citizens' right to vote, to be elected and to take part in referendums (hereunder referred to as voting rights) based on ethnicity, race, sex, origin, property status, employment status, place of residence, language, attitude to religion, political views, party affiliation or lack thereof is prohibited. Persons deemed by a court not to have any legal capacity and persons serving sentences at places of deprivation of liberty do not take part in elections and referendums. In other circumstances, restrictions of citizens' voting rights are prohibited and punishable, as established by law.

168. Article 74 of the Electoral Code establishes that the district electoral commissions must ensure that electors registered in the corresponding election districts and who are unable for valid reasons (such as health problems or disability) to independently travel to a polling station have the opportunity to take part in elections.

169. Article 39 of the Electoral Code states that electoral districts may be established at military installations in remote or difficult-to-reach locations, therapeutic resorts and rest homes, in-patient treatment facilities and places of detention housing persons subject to

administrative or criminal sanctions, at the request of the directors of the institutions in question.

Participation in cultural life, recreation, leisure and sport (art. 30)

170. A library for deaf and blind persons has been in operation in Turkmenistan since 1 May 1990. Branches opened on 2 June 1992 in Daşoguz, on 3 November 1993 in Baýramaly (transferred in 2009 to Mary) and in November 1993 in Türkmenabat. The library has special publications for the blind, including books in Braille and audio books that have been recorded in a special studio and produced in tape format for blind readers. For the blind, audio books provide practically the only means of removing psychological barriers; they help ensure the full development of non-sighted persons and assist in their social rehabilitation.

171. The library collection now holds 23,188 works, divided into the following categories: 9,000 ordinary books, over 600 Braille books, 6,195 audio books and over 100 newspapers recorded at the recording studio.

172. In 2014 the library received 1,129 books, of which 258 were audio books, 11 were published in Braille and 860 were ordinary books.

173. From 2012 to 2014, the consulate of the Russian Federation in Turkmenistan gave the library Braille editions of the publication *Literaturnoe chtenie* (Literary readings). They are in extremely high demand among the library's users.

174. In 2014, the library had 835 customers, including 334 blind people, 189 with visual impairments and 115 hard of hearing and mute persons. On average the library is visited by over 700 persons a month; there are some 8,000 visitors a year.

175. The library works closely with the Deaf and Blind Society of Turkmenistan.

176. It carries out numerous activities with the active support of the Society, including the organization of competitions, seminars and creative events.

177. Every year, a "Reader of the Year" competition is held among people with disabilities who use audio books and books published in Braille. To maintain Braille reading capabilities, the library also organizes a Braille reading competition. Winners of these competitions receive trophies and prizes.

178. In May 2014 a seminar was held for blind and visually impaired persons on the subject of orientation and space perception. In May, September and October 2014 seminars were held jointly with the Deaf and Blind Society and the United Nations Development Programme (UNDP) for women living with disabilities. The staff and customers of the library for deaf and blind persons actively took part in these events.

179. The library's staff hold various poetry readings and creative functions throughout the year with Turkmen theatre actors, writers and poets. They are scheduled to coincide with holidays and important events.

180. On 16 October 2014, the White Cane international children's festival was held in Moscow, organized by Diana Gurtskaya's Call of the Heart foundation. Non-sighted child singers from 10 countries took part: the Russian Federation, Turkmenistan, Kazakhstan, Moldova, Ukraine, Tajikistan, Belarus, Azerbaijan, Armenia and Georgia. A young Turkmen named Arslan Meredov took part in this festival.

181. The festival was organized in such a way that the children performed together "with a star". Arslan Meredov is a student in the third grade at a school with a rehabilitation

centre, and he performed with Myahrijemal Pirmedova, a young vocalist and singing teacher at the M. Garlyeva Special School of Art in Daşoguz.

182. A poetry and art festival is held annually to mark the International Day of Persons with Disabilities. It is organized by the Deaf and Blind Society, which recently celebrated the eightieth anniversary of its establishment.

183. As part of an agreement with Ýeňme, a voluntary association, every year the National Trade Union Centre of Turkmenistan provides children living with disabilities with treatment at the Daýanç health centre, located in the Awaza national tourism area, and at the Beýik Serdaryň ruhubelent nesilleri health centre, at the Gokder resort complex.

C. Specific obligations (arts. 31–33)

Statistics (art. 31)

184. In order to introduce a system of indicators broadly representing the results of socioeconomic policy during a period of national revival and major transformation, and to further improve the national statistics system in accordance with internationally accepted record-keeping and statistics standards, Presidential Decision No. 11072 of 28 May 2010 adapted a State programme for the transition of the country's statistical system to international standards for 2010–2012.

185. The Programme outlined the current state of national statistics, the Programme's purpose and tasks, the main areas in which the country's statistical system was to adapt to international standards in 2010–2012, the mechanism for implementing the Programme, its expected outcome and the measures to take for its implementation.

186. Turkmenistan is a member of six United Nations agencies and cooperates closely with them in the field of statistics. Representatives of Turkmenistan participate in the annual meetings of the United Nations Statistical Commission and respond positively to its decisions. Accordingly, the principles of official statistics set out by the Commission are reflected in national legislation on statistics. In October 2010, World Statistics Day was widely celebrated in Turkmenistan under the slogan "Let's mark the many achievements of official statistics!".

187. This event also bore witness to the considerable attention paid in Turkmenistan to statistics and to international cooperation in this field. It follows that the role of national statistics is increasingly important in evaluating national socioeconomic development and in assessing positive developments occurring in society.

188. With the implementation of the measures called for in the Programme, a qualitatively new phase began in the State Statistics Committee's work.

189. During implementation of the Programme's objectives, the main area of work involved bringing statistical methodology into line with international standards.

190. Forty-eight methodologies and techniques were developed and updated, which included a strengthening of the methodology for sample statistical surveys. Ten methodologies and techniques were developed and implemented for sample surveys.

191. The Programme specifically included measures concerning the system of national accounts, innovation statistics, consumer prices and foreign transactions. For State finance statistics, questions were drawn up in cooperation with the Ministry of Finance for the recording of State budget revenue and expenditure based on a new budgetary classification.

192. For socioeconomic classifications, a State Classification of types of economic activity was adopted in statistical practice. Work is currently being carried out to adapt this Classification to a NACE.Rev.2 version. During the implementation of this Programme, three statistical classifiers were developed and five were revised. All told, some 20 classifiers were used in the statistical work.

193. In terms of improving information technology, software was developed for newly introduced reporting forms and the material and technical base for using information technology was strengthened across the entire national system. A number of actions were taken to improve the quality of distribution of statistical information.

194. With regard to the implementation of measures set out by the Programme to improve staff qualifications, 11 seminars on various issues related to statistics were held in the central statistical office of Turkmenistan, with the participation of international experts. Officials from Turkmenistan took part in 14 seminars in other countries.

195. In accordance with the Programme, a draft law on statistics was drawn up. The draft law was adopted by the parliament of Turkmenistan (Mejlis) on 31 March 2012. The new law takes into consideration international best practice for legislation on statistics. It reflects the recommendations of Eurostat on developing key statistics legislation and the fundamental principles of official statistics adopted by the United Nations Statistical Commission, and it also contains the results of experience related to national statistics gained in recent years. According to the new law, State statistics bodies have the right, within their fields of competence, to cooperate in the field of statistics with international organizations and the national statistics services of different States.

International cooperation (art. 32)

196. State bodies and voluntary associations collaborate with international organizations accredited in Turkmenistan on extensive efforts to raise awareness of the rights of persons with disabilities, including with regard to international standards, by conducting regular talks, seminars, round tables and other awareness-raising initiatives.

197. For example, as part of cooperation with the UNDP office in Turkmenistan, on 5 July 2011, the Human Rights Information Centre hosted a round table on the rights of persons with disabilities as set out in the Convention and its Optional Protocol, which was attended by representatives of associations of persons with disabilities and international experts. Similar events were also held in provincial human rights information centres.

198. The Deaf and Blind Society of Turkmenistan, together with the UNDP office in Turkmenistan, is implementing a joint project entitled "Social integration through enhancement of the leadership qualities of women with disabilities in Turkmenistan". The aim of the project is to promote the involvement of women with disabilities in the elaboration of development strategies and programmes, with the focus on women belonging to the Deaf and Blind Society who have hearing and visual impairments. The project will run during the period 2014–2015.

199. The direct beneficiaries are women with hearing and visual impairments of all ages from both Ashgabat and the provinces.

200. The current phase of the project started relatively recently, in 2014. During the preceding phase of the project in 2013, the following results were achieved:

(a) A series of training workshops enabled 14 volunteer sign-language interpreters from five provinces and 36 teachers from special schools for persons with disabilities to strengthen their ability to provide services;

(b) With the participation of leading government ministries and departments, as well as non-governmental organizations, an international expert report containing a series of recommendations on improving employment opportunities for persons with disabilities was developed and discussed at a forum;

(c) With the help of representatives from leading ministries and departments, proposals and recommendations on aligning Turkmen legislation with the Convention on the Rights of Persons with Disabilities were developed and discussed;

(d) Public awareness of the issue of socioeconomic integration for persons with disabilities was raised through the development of a website for the Deaf and Blind Society.

201. Cooperation on the implementation of this project is continuing.

National implementation and monitoring (art. 33)

202. The country has a National Institute for Democracy and Human Rights in the Office of the President, as well as an Interdepartmental Commission on Compliance with the International Obligations Undertaken by Turkmenistan in the Field of Human Rights and International Humanitarian Law; both entities have a wide mandate and deal with a variety of situations related to human rights protection.

203. At the same time, there is an ongoing process in Turkmenistan to study the experience and practice of other countries in establishing and operating independent human rights institutions in accordance with the Paris Principles.

204. As part of cooperation with United Nations agencies and embassies accredited in Turkmenistan, the Organization for Security and Cooperation in Europe Centre in Ashgabat is organizing conferences, seminars and round tables for members of the parliament and State authorities to study the ombudsman system in other countries. A working group has now been established in the parliament composed of representatives of relevant ministries and departments, as well as non-governmental organizations, to draft an ombudsman bill. Consultations with OHCHR on this issue are continuing.